

MEMO ENDORSED

Anthony N. Iannarelli Jr.
Attorney at Law
74 Lafayette Avenue
Suite 202 # 116
Suffern, New York 10901
212-431-1031
anilaw2@gmail.com

January 2, 2024

Hon. Jessica G.L. Clarke, Judge
United States District Court for the
Southern District of New York
500 Pearl Street
New York, N.Y. 10007-1312

Re: Mohamed John Akhtar et al. v. Eric Adams et al.
23-cv-06585 (JGLC)

Dear Judge Clarke,

I represent Plaintiffs in the above captioned matter and offer this correspondence consistent with Local Rule 2(e). I write in respect to a *pro se* dispositive motion filed by defendant Mr. Eric Eisenberg, Esq. on or about November 27, 2023. Plaintiffs' Response in Opposition was ordinarily due on December 11, 2023.

On December 8, 2023, I wrote the Court explaining I was suffering from a severe case of influenza and asked for an extension to file a Response in Opposition. While my physician recommended I stay out of work until December 18, 2023, I did not believe I needed that amount of time. Ultimately, the Court was gracious to extend the time to respond to December 27, 2023.

While I was to prepared to have the response completed by December 27th, my client, Mohammed John Akhtar, was not. I needed to speak to Mr. Akhtar to assist me in preparing a Response, and to have his, and a witness's, Declarations prepared.

Mr. Akhtar informed me he could not effectively communicate with me about his case because of his work responsibilities at the jazz club he owns & operates, La Buca Restaurant, Inc. He also advised me that a witness, Sarah Hayes, was out-of-state until close to the end of the year.

While I can believe that Mr. Akhtar could be overwhelmed running a dinner club in Manhattan over the holidays, I cannot independently attest to his dilemma. But I can attest to the fact that the witness, Sarah Hayes, was unavailable until the very end of 2023.

Because of, in my view the seriousness of the matter, and because defendant Mr. Eric Eisenberg, Esq. would not consent to additional time, I asked Mr. Akhtar to attest to the reasons for the delay in his Declaration dated December 31, 2023. (This Declaration has already been entered as Exhibit 1 in his Response in Opposition.)

In paragraph 2 of Mr. Akhtar's Declaration he apologizes to the court and states to the truth that [he] "was overwhelmed with the holiday rush and several staff members were not able, unexpectedly, to come to work." In paragraph 3, he states that his witness(es) were away for the holidays.

While I was ill for a good part of December, I have already asked and received an extension, but Mr. Akhtar has not. I can only imagine the difficulties in running a dinner club in the mist of the holidays, and then with the additional stress of employees not able to come in and assist. I can also understand that witnesses might be away for the holidays.

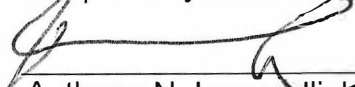
I must advocate to the Court in Mr. Akhtar's behalf for an extension to January 2, 2024, or an Order, *Nunc Pro Tunc*, in that Plaintiffs' Response in Opposition has since been filed. While I believe a Reply is normally due seven days after the filing of a Response, I would consent, and argue for, Mr. Eisenberg being given more time if necessary.

Currently, the other defendants in the case have not filed an Answer, and with the exception of the defendants Motion for Dismissal, the case is at a standstill.

Accordingly, I must respectfully ask Your Honor to grant Mr. Akhtar some leeway for the timing of his Response which, again, had already been filed.

Thank you for your consideration of the foregoing.

Respectfully submitted,


Anthony N. Iannarelli Jr.
Attorney at Law

Copied via ECF

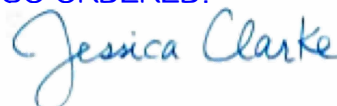
Ms. Kerri A. Devine, Esq.
Ms. Genan F. Zilkha, Esq.
Mr. Eric Eisenberg, Esq.

Via Hand

Mr. Mohamed John Akhtar
LaBuca Restaurant, Inc. d/b/a Swing 46

Plaintiff moves for a *nunc pro tunc* extension of time to oppose Defendant Eric Eisenberg's motion to dismiss. See ECF Nos. 35 (incorrectly titled "Motion to Disqualify Judge"); ECF No. 37 (correctly docketed letter seeking the same relief). The Court will consider Plaintiff's belated opposition because the motion is case dispositive and there is no prejudice to Defendant in doing so. However, no further extensions requested by counsel for Plaintiff that violate this Court's Individual Rules will be granted. Defendant Eric Eisenberg's deadline to reply in support of his motion is extended until **January 30, 2024**. The Clerk of Clerk is directed to close ECF Nos. 35 and 37.

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge

Dated: January 9, 2024
New York, New York